



STATE OF INDIANA

MICHAEL R. PENCE, Governor

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August 3, 2015

Mr. Joe Lawless
1796 North County Road 250 West
Greencastle, IN 46135

Re: Formal Complaint 15-FC-211; Alleged Violation of the Access to Public Records Act by the Putnam County Convention and Visitor Bureau

Dear Mr. Lawless,

This advisory opinion is in response to your formal complaint alleging the Putnam County Convention and Visitor Bureau ("Bureau") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* As of the writing of this opinion, the Bureau has not responded to your complaint despite an invitation to do so. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on July 23, 2015.

BACKGROUND

Your complaint received on July 23, 2015 alleges the Putnam County Convention and Visitor Bureau ("Bureau") violated the Access to Public Records Act by failing to provide the records you requested within a reasonable time.

On June 30, 2015 you were informed that you would have to wait until the minutes for the June 4 Officer's Meeting was approved before you could inspect them. In response, you amended your request, seeking the unapproved draft minutes.

ANALYSIS

The public policy of the APRA states that "(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information." See Ind. Code § 5-14-3-1. The Putnam County Prosecutor's Office is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person has the right to inspect and copy the Office's disclosable public records during regular business



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hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. See Ind. Code § 5-14- 3-3(a).

It has long been the opinion of public access counselors that draft minutes are disclosable public records:

Applying these principles of statutory construction, it is clear that draft or proposed minutes of public meetings are merely summaries of information received, not deliberative material. While there is naturally a concern about accuracy in draft or proposed minutes, there is no provision in the APRA that would make such information nondisclosable. It is always important, however, that the recipient of the information is notified that the draft is subject to change and approval of the appropriate person or governing body. In this way, disclosure is possible, but the concern about someone relying upon the draft or proposed minutes is minimized. Opinion of the Public Access Counselor 98-FC-08, available at <http://www.in.gov/pac/advisory/files/op98-8.pdf>.

Accordingly, it is my opinion that a copy of the Bureau's unapproved draft minutes is a disclosable public record under the APRA.

Without the benefit of a response from the Bureau, I cannot determine why you were denied access to the unapproved draft minutes.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor that the Putnam County Convention and Visitor Bureau has violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read "LH Britt", written over a horizontal line.

Luke H. Britt
Public Access Counselor